

Appendix A

Baytown					
Cleanup Unit	Costs Claimed	113(g)(2) Time Barred?	Initial On-Site/Complete	NCP Consistent?	Allocation*
Separator 3M	\$4,388,559	Yes	1984 1986 (S); 1988 (N)	Yes	2.00%
Separator 10	Merged with 3M Costs	Yes	Aug-86 Oct-86	Yes	2.00%
Upper/Lower Canals	\$10,536,486	Yes	1994 Dec-94	2**	2% UOC/ <b>0% LOC</b>
Velasco Ditch	\$1,802,120	Yes	1991 2008	1,2,3	2.00%
South Landfarm	\$1,589,618	Yes	1990 Oct-91	1,2,3	2.00%
Tank Farm 3000/BOW Groundwater Plume	\$5,481,340	No	- -		<b>0.00%</b>
Mitchell Point (SWMU 60)	\$6,274,383	No	- -		<b>0.00%</b>
Main Office Bldg. (SWMU 62)	\$103,536	No	- -		2.00%
Refinery Groundwater	\$7,866,654	No	- -		2.00%
SWMU Inverigation	\$4,071,437	No	- -		2.00%
PRP Investigation	\$125,000	No	- -		2.00%

\* The United States presents equitable shares in the alternative for units at which the we argue Exxon's claim is time barred or inconsistent with the National Contingency Plan.

\*\* Numerals Refer to Reasons for Incosistency: 1) Not Compliant w/NCP Steps; 2) No Public Participation; 3) No Review of ARARs.

## Baton Rouge

Cleanup Unit	Costs Claimed	113(g)(2) Time Barred?	Initial On- Site/Complete	NCP Consistent?	Allocation *
Shallow Fill Zone	\$5,380,522	Yes	1987 Ongoing	1,2,3**	1.00%
Old Silt Pond	\$9,977,687	Yes	1991 1/19/1995	Yes	0.00%
Rice Paddy Landfarm	\$4,622,578	Yes	1993 1/19/1995	1	0.00%
Old Silt Pond/Rice Paddy Landfill	\$3,302,781	Yes	See above See above	See above***	0.00%
SWMU Investigations	\$455,252	No	- -		1.00%
GW Monitoring and Remediation	\$1,001,685	No	- -		1.00%
Soil Remediation	\$676,462	No	- -		1.00%
No Description	\$629,162	No	- -		1.00%
PRP Costs	\$125,000	No			1.00%

\* The United States presents equitable shares in the alternative for units at which the we argue Exxon's claim is time barred or inconsistent with the National Contingency Plan.

\*\* Figures Refer to Reasons for Inconsistency: 1) Not Compliant w/NCP Steps; 2) No Public Participation; 3) No Review of ARARs.

\*\*\* Exxon has treated this cost group as common expenditures for the Old Silt Pond and the Rice Paddy Landfill. Should the Court allow one unit, but not the other, some allocation of the \$3.3m in the group would presumably be required.

Appendix B

## Summary of Facts Relating to Exxon's Cleanups

Baytown Unit	Facts Showing No Imminent Risk to Receptor	Facts Showing Permanence	Cost (Approx.) <sup>1</sup>	NCP Version	Consistent with NCP?	Summary of Findings
Separator 3M	Closed to make room for new wastewater treatment aeration basin and to avoid RCRA upgrades; no evidence of imminent risk. SOF ¶¶ 5-7.	Certified clean closure (all sludge and contaminated soils removed). SOF ¶ 8.	\$4.4M (with Separator 10)	1982	Yes	Consistent
Separator 10	Closed to avoid RCRA upgrades; no evidence of imminent risk. SOF ¶¶ 11-13. Exxon applied for delay of closure to keep using canals for 3 years; no evidence of imminent risk; non-hazardous sludge in Lower Outfall Canal. SOF ¶¶ 16-20.	Certified clean closure (all sludge and contaminated soils removed). SOF ¶ 14.	\$4.4M (with Separator 3M)	1982	Yes	Consistent
Upper and Lower Outfall Canals		Closed as hazardous waste unit (hazardous and non-hazardous sludge removed). SOF ¶ 21.	\$10.5M	1990	No	-Inadequate public participation
Velasco Street Ditch	Closed to avoid RCRA upgrades; no evidence of imminent risk. SOF ¶¶ 24-26.	Closed as hazardous waste unit (hazardous sludge removed); no further cleanup in 26 years since. SOF ¶ 27.	\$1.8M	1990	No	-Not compliant with NCP steps -No ARAR consideration -No public participation
South Landfarm	Closed to comply with new RCRA standards; closure proposed in 1985 but not implemented until 1990; continued to be used for disposal of wastes in that time; no evidence of imminent risk. SOF ¶¶ 30-33.	Certified closed (dry out period then clay cap) with post-closure groundwater monitoring; no further action taken in 27 years since. SOF ¶ 34.	\$1.6M	1985	No	-Not compliant with NCP steps -No public participation -No ARAR consideration

<sup>1</sup> Ex. 11, Ficca Suppl. Report Attach. 3, Schedule B-1 (Jan. 2017)

Baton Rouge Unit	Facts Showing No Imminent Risk to Receptor	Facts Showing Permanence	Cost (Approx.) <sup>2</sup>	NCP Version	Consistent with NCP?	Summary of Findings
Shallow Fill Zone	Contamination identified in 1980 but no corrective action taken for more than seven years; no evidence of imminent risk. SOF ¶¶ 46-48.	Corrective action involving recovery of free product from groundwater recovery wells; recovery is ongoing; 1987 Corrective Action Order required extraction or treatment of all contamination; both 1987 Orders “closed out.” SOF ¶¶ 48-49.	\$670,000	1985	No	-Not compliant with NCP steps -No public participation -No ARAR consideration
Old Silt Pond	Closed to avoid RCRA upgrades; no evidence of imminent risk. SOF ¶¶ 52-54.	Certified closed (solidification of sludge and capped) with post-closure groundwater monitoring; no further action taken in 22 years since. SOF ¶ 56.	\$10M + portion of \$3.3M (with Rice Paddy Landfarm)	1985	Yes	Consistent
Rice Paddy Landfarm	Closed to avoid RCRA upgrades; no evidence of imminent risk. SOF ¶¶ 58-60.	Certified closed (capped) with post-closure groundwater monitoring; no further action taken in 22 years since. SOF ¶ 62.	\$4.6M + portion of \$3.3M (with Old Silt Pond)	1985	No	-Not Compliant with NCP Steps

<sup>2</sup> Ex. 12, Ficca Suppl. Report Attach. 3, Schedule C-1 (Jan. 2017).